

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-193 (NGR)

**UNOPPOSED REQUEST FOR JUDICIAL NOTICE**  
**BY ALL PRIVATE PLAINTIFFS AND PLAINTIFF-INTERVENORS**

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, all private Plaintiffs and Plaintiff-Intervenors (“Plaintiffs”) in these consolidated actions respectfully ask this Court to take judicial notice of certain population data for the State of Texas, as reported by the United States Bureau of the Census in the 2010 decennial Census (“Census facts”). These Census facts are intended to supplement population data this Court previously judicially noticed (Minute Order, May 28, 2014) at the request of the United States (ECF No. 252). This motion is not opposed by the United States or by Defendants.

The same exact Census facts that are the subject of this motion were judicially noticed by the three-judge district court in *Texas v. Holder*, 888 F. Supp. 2d 113 (D.D.C. 2012), the litigation brought by Texas under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, regarding SB 14. Minute Order, No. 1:12-cv-128 (July 10, 2012) *granting* ECF No. 239 as amended by ECF No. 296 (motion for judicial notice). That court then relied in part on these facts when it denied Section 5 preclearance to SB 14. 888 F. Supp. 2d at 141-42.

Rule 201(b)(2) provides for judicial notice of facts “not subject to reasonable dispute” because they “can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned.” Under Rule 201(d), this Court “may take judicial notice at any stage of the proceeding.” Courts routinely take judicial notice of Census data. *See, e.g., Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 572-73 (5th Cir. 2011).

The Census facts for which judicial notice is requested concern the number of persons in Texas who are age 65 or older (by race/ethnicity), and the share of Texas’ total population and voting age population (by race/ethnicity) that is 65 or older.

The facts as to which judicial notice is requested are as follows:<sup>1</sup>

1. According to the 2010 Census, the State of Texas has a total population age 65 or older of 2,601,886 persons, including 1,760,065 non-Hispanic White persons (67.6%), 532,921 Hispanic persons (20.5%), 220,837 non-Hispanic Black persons (8.5%), and 65,804 non-Hispanic Asian persons (2.5%). Exhibit 1.
2. According to the 2010 Census, the State of Texas has a total population of 25,145,561 persons, including 11,397,345 non-Hispanic White persons (45.3%), 9,460,921 Hispanic persons (37.6%), 2,886,825 non-Hispanic Black persons (11.5%), and 948,426 non-Hispanic Asian persons (3.8%). Exhibit 2.
3. According to the 2010 Census, the State of Texas has a voting-age population of 18,279,737, including 9,074,684 non-Hispanic White persons (49.6%), 6,143,144 Hispanic persons (33.6%), 2,076,282 non-Hispanic Black persons (11.4%), and 716,968 non-Hispanic Asian persons (3.9%). Exhibit 3.

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<sup>1</sup> Consistent with the approach taken by the United States in its request for judicial notice of Census population data, Plaintiffs attach as exhibits to this request the tables downloaded from the U.S. Census Bureau website that reflect the data for which judicial notice is being requested.

4. Among non-Hispanic White persons of voting age, 19.4% are age 65 or older (1,760,065 divided by 9,074,684). *See* Exhibits 1 and 3.
5. Among Hispanic persons of voting age, 8.7% are age 65 or older (532,921 divided by 6,143,144). *See* Exhibits 1 and 3.
6. Among non-Hispanic Black persons of voting age, 10.6% are age 65 or older (220,837 divided by 2,076,282). *See* Exhibits 1 and 3.
7. Among non-Hispanic Asian persons of voting age, 9.2% are age 65 or older (65,804 divided by 716,968). *See* Exhibits 1 and 3.<sup>2</sup>

For these reasons, Plaintiffs respectfully request that this motion be granted.

Date: July 10, 2014

Respectfully submitted,

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<sup>2</sup> Plaintiffs note one technical difference between the Census data that are the subject of this request and the data included in the United States' request (ECF No. 252). In reporting the Census data for Black and Asian individuals in its request, the United States included individuals who self-identified in the Census as "Black alone" or "Asian alone" and, in addition, the relatively small number of individuals who self-identified as Black in combination with White, or as Asian in combination with White. (ECF No. 252, at 2.) The instant request relies only on the "Black alone" and "Asian alone" numbers to report the Census data for Black and Asian individuals because the 2010 Census data most readily available for persons age 65 or older do not include information for the "in combination with" categories. This issue does not affect the other data included in this request (*i.e.*, for Texas' total population and voting age population, non-Hispanic Whites, and Hispanics), and thus the instant request reports data for those groups that are identical to the data in the United States' request.

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2014, I served a true and correct copy of the foregoing  
via the Court's ECF system on all counsel of record.

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